

DOUGLAS T. SLOAN, City Attorney  
CITY OF FRESNO  
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Attorneys for the CITY OF FRESNO

RE:

**RECORDS REGARDING  
IMSI CATCHER EQUIPMENT**

**RESPONSE TO PUBLIC RECORDS  
ACT REQUEST FOR DOCUMENTS  
(Gov. Code, § 6250, et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code, § 6250, et seq.) by the Aaron Swartz Day Police Surveillance Project, regarding **IMSI Catcher Equipment**, as follows:

**Request No. 1 – Number, if any, of IMSI-catcher or cell phone interception devices (commonly called stingrays or hailstorms) owned by [the City’s Police Department]:** The City objects to this inquiry on the grounds it seeks information and does not seek production of an existing public record. (Gov. Code, § 6253(b).) Under the California Public Records Act, the City is not required to respond to inquiries that seek only information. Without waiving this request, the City did not locate any potentially responsive documents for this request.

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RESPONSE TO PUBLIC RECORDS ACT REQUEST

1           **Request No. 2 – Number, if any, of IMSI-catcher or cell phone interception devices . . .**  
2 **available for use by [the City's Police Department] via collaborative agreements that were**  
3 **utilized within the period encompassing this request. Please provide the name of the**  
4 **department or agency that made IMSI-catcher devices available to [the City Police**  
5 **Department]:** The City objects to this inquiry on the grounds it seeks information and does not  
6 seek production of an existing public record. (Gov. Code, § 6253(b).) Under the California Public  
7 Records Act, the City is not required to respond to inquiries that seek only information. Without  
8 waiving this request, the City did not locate any potentially responsive documents for this request..

9           **Request No. 3 – Any documents or correspondence during the period encompassing**  
10 **this request regarding possible or planned acquisition of an IMSI-catcher device:** After a  
11 diligent search and reasonable inquiry of the City's records, the City did not locate any potentially  
12 responsive documents for this request. Please note the City is still searching for potentially  
13 responsive email records. If any potentially responsive email records exist, the City will provide a  
14 supplemental response.

15           **Request No. 4 – Any existing or proposed usage policies regarding the use of cell phone**  
16 **interception technology including protocols, training documents and data storage procedures:**  
17 After a diligent search and reasonable inquiry of the City's records, the City did not locate any  
18 potentially responsive documents for this request.

19           **Request No. 5 – Any current or past litigation involving or referencing [the City's**  
20 **Police Department] involving the use of cell phone interception technology:** After a diligent  
21 search and reasonable inquiry of the City's records, the City did not locate any potentially  
22 responsive documents for this request.

23           DATED: February 11, 2019.

Respectfully submitted,

DOUGLAS T. SLOAN  
City Attorney

By: 

FRANCINE M. KANNE  
Chief Assistant City Attorney  
Attorneys for CITY OF FRESNO

28 FMK:rm[65405rm/fmk]

RESPONSE TO PUBLIC RECORDS ACT REQUEST

**PROOF OF SERVICE**  
CCP §§ 1011, 1013, 1013a, 2015.5  
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On February 11, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Aaron Swartz Day Police Surveillance Project  
MuckRock News  
DEPT MR 66931  
411A Highland Ave  
Somerville, MA 02144-2516  
Email: [66931-10557007@requests.muckrock.com](mailto:66931-10557007@requests.muckrock.com)

☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on February 11, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Kimberly Hernandez